



AMENDMENTS TO THE GENERAL VPDES PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS: HOW THIS WILL AFFECT YOU

In May of 2005, the Department of Environmental Quality (DEQ) proposed amendments to 9 VAC 25-193 – General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Ready-Mixed Concrete Plants. The most significant of the amendments included the following:

1. Added permit coverage for the discharges of process wastewater and/or storm water from concrete block and brick facilities (SIC Code 3271) and concrete products facilities, except block and brick (SIC Code 3272), in addition to coverage already provided for ready-mixed concrete facilities (SIC Code 3273). *This change will allow facilities in SIC Codes 3271 and 3272 that are already regulated under the VPDES Permit Program for their process wastewater discharges and/or their storm water discharges the option of obtaining general permit coverage under this permit. It will also allow new facilities and facilities that require VPDES permit coverage in the future the same option;*
2. Changed the name of the regulation to “General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Concrete Products Facilities”. *This change reflects that all concrete products facilities are now eligible for coverage under this general permit; and*
3. Changed the permit special condition no. 4 as follows:

~~“There shall be no product mixing unit washout or truck washing activities conducted outside of the~~ All washdown and washout of trucks, mixers, transport buckets, forms or other equipment shall be conducted within designated washdown and washout areas. All washout/washdown water shall be collected for recycle or treated prior to discharge.” *This change was made for consistency with EPA’s “concrete products facilities” requirement in their Industrial Storm Water General Permit.*

During the 60-day public comment period for the proposed regulation amendments, the DEQ received several comments and questions. In response, DEQ felt it would be helpful to provide a list of frequently asked questions with answers for the purpose of better informing the public about the affect these changes to the regulation will have on producers of ready-mixed concrete, concrete block and brick, and concrete products, except block and brick in Virginia.

Hereafter, the General Virginia Pollutant Discharge Elimination System (VPDES) Regulation for Ready-Mixed Concrete Plants will be referred to as the **Concrete Products Facilities General Permit**.



Q: Why does DEQ want to include SIC Codes 3271 (concrete block and brick) and 3272 (concrete products, except block and brick) for coverage under the Concrete Products Facilities General Permit?

A: DEQ has included SIC Codes 3271 and 3272 for coverage under the Concrete Products Facilities General Permit to allow these industries the option to cover their process wastewater, storm water or both under one general permit, thereby saving time, money and confusion for the applicant. Previously, facilities under SIC Codes 3271 and 3272 could only cover their process wastewater discharges under an individual VPDES permit, which was much more expensive (compare \$3,300 to \$10,200 for an individual permit application, to \$600 for general permit coverage).

Q: Who must apply for the Concrete Products Facilities General Permit once it becomes effective?

A: Existing ready-mixed concrete facilities (SIC Code 3273) that already have the Concrete Products Facilities General Permit do not have to do anything until the permit expires on September 30, 2008, at which time they will need to reapply for permit coverage. New ready-mixed concrete facilities that will have process wastewater and/or storm water discharges must apply for permit coverage prior to beginning operations.

Existing facilities that produce concrete block and brick (SIC Code 3271) and concrete products, except block and brick (SIC Code 3272) that are presently covered for their process wastewater discharges under an individual industrial VPDES permit do not have to do anything at this time. If a facility wishes to switch their coverage to this amended general permit, they should contact the DEQ Regional Office that serves the area where the facility is located to verify eligibility.

Existing facilities that produce concrete block and brick (SIC Code 3271) and concrete products, except block and brick (SIC Code 3272) that are presently covered for their storm water discharges under the General VPDES Permit for Discharges of Storm Water Associated with Industrial Activity (VAR5) do not have to do anything at this time. However, when that permit is reissued on July 1, 2009, coverage for facilities in SIC Codes 3271 and 3272 will be eliminated. At that time, facilities will be required to switch their coverage over to this amended general permit.

New facilities that produce concrete block and brick (SIC Code 3271) and concrete products, except block and brick (SIC Code 3272) need not apply for this amended permit unless they have a process wastewater discharge to surface waters. While the raw production materials used by industries under SIC Codes 3271, 3272 and 3273 are very similar, it is recognized that the production processes among these industries are different and can generate varying quantities of production wastewater. Production of concrete block and brick and concrete products other than block and brick, typically generate far less process wastewater than production of ready-mix concrete. Consequently, facilities that produce concrete block and brick and concrete products other than block and brick, seldom have a process wastewater discharge that would require this permit. However, there are some facilities in Virginia, primarily manufacturers of concrete products other than block and brick, that do have a process



wastewater discharge, and will be required to obtain coverage under this general permit, or an individual industrial VPDES permit.

Q: Are there any advantages to obtaining the Concrete Products Facilities General Permit if you already have an individual VPDES Permit for your process wastewater discharge?

A: Because process wastewater discharges from facilities under SIC Codes 3271 (concrete block and brick) and 3272 (concrete products, except block and brick) were not previously eligible for the Concrete Products Facilities General Permit, these facilities were required to obtain individual VPDES permits. The principle disadvantage of an individual VPDES permit compared to a general VPDES permit, such as the Concrete Products Facilities General Permit, is cost. The application fee for an individual industrial VPDES permit varies from \$3,300 to \$10,200, while the application fee for the Concrete Products Facilities General Permit is only \$600. An individual industrial VPDES permit will also contain conditions specific to the facility for which the permit is issued. In contrast, a general VPDES permit will contain generic conditions applicable to many facilities that produce wastewater of similar character, requiring similar treatment and discharge limits.

Q: If I have an individual industrial VPDES permit but become eligible for the Concrete Products Facilities General Permit, do I need to apply immediately for the Concrete Products Facilities General Permit? Can I get a refund in the difference of cost between the individual VPDES permit and the Concrete Products Facilities General Permit?

A: If you have an individual VPDES permit but become eligible for the Concrete Products Facilities General Permit, you do not need to apply immediately for the general permit. You may allow your individual VPDES permit to expire and apply for the general permit 180 days prior to expiration of the individual permit or have the individual permit voluntarily terminated and the general permit issued in its place. Because there is no refund for the difference of the application fee between the individual and general VPDES permits when the individual VPDES permit is terminated, most permittees choose to allow the individual permit to expire and then replace it with the general VPDES permit. Note that individual permit coverage should be converted to general permit coverage prior to April 1st of the billing year to avoid having to pay the DEQ Annual Maintenance Fee for that billing year.

Q: I already have a General VPDES Permit for Discharges of Storm Water Associated with Industrial Activity. Is the Concrete Products Facilities General Permit the same permit or a different permit?

A: The General VPDES Permit for Discharges of Storm Water Associated with Industrial Activity, hereafter referred to as the Industrial Storm Water General Permit, is not the same as the Concrete Products Facilities General Permit. The Industrial Storm Water General Permit regulates only storm water discharges, while the Concrete Products Facilities General Permit can regulate both a storm water discharge and a process wastewater discharge.



Q: If the Industrial Storm Water General Permit and the Concrete Products Facilities General permit are two different permits, do I need to have both?

A: It is the policy of the DEQ, wherever possible, to issue only one permit per regulated media (i.e., air, waste or water) to each facility. This reduces duplicate monitoring and compliance requirements and eliminates additional application fees. Because the Concrete Products Facilities General Permit can regulate storm water and process wastewater discharges, facilities under SIC Codes 3271, 3272 and 3273 with both a process wastewater and storm water discharge can apply for only the Concrete Products Facilities General Permit. Facilities under SIC Codes 3271 (concrete block and brick) and 3272 (concrete products, except block and brick) with only a storm water discharge, are currently regulated under an Industrial Storm Water General Permit and will not need to apply for a Concrete Products Facilities General Permit until 30 days prior to expiration of the Industrial Storm Water General Permit on July 1, 2009. At that time, storm water discharges for facilities under SIC Codes 3271 and 3272 will no longer be regulated by the Industrial Storm Water General Permit and will be required to apply for the Concrete Products Facilities General Permit.

Q: Are there any difference between the Concrete Products Facilities General Permit and the Industrial Storm Water General Permit and if so, what are they?

A: There are some differences between the Concrete Products General Permit and the Industrial Storm Water General Permit as follows:

1. The Concrete Products General Permit requires the facilities to sample their storm water for TPH (total petroleum hydrocarbons); the Industrial Storm Water General Permit does not require this parameter. The rest of the storm water sampling parameters (TSS, pH, and Total Recoverable Iron) are the same for both permits, and the sampling frequency (once/year) is the same.
2. The Industrial Storm Water General Permit allows facilities to ask DEQ for a waiver from the storm water sampling requirements for the rest of the permit term (which could be up to three years) if their storm water sampling results for two consecutive sampling years show that the sampled parameters are below the permit "benchmark" monitoring values. The Concrete Products General Permit does not have this sampling waiver provision.

Aside from these differences, the storm water permit requirements are the same for both permits.

Q: If process wastewater, storm water or both are discharged from my facility directly or indirectly to a sanitary sewer system, what permit do I need?

A: If process wastewater, storm water or both from your facility are discharged directly or indirectly to a sanitary sewer system, you do not need either the Concrete Products Facilities General Permit or the Industrial Storm Water General Permit. If, however, you are notified to cease your discharge to the sanitary sewer system by the owner or operator of that system, you may be required to apply for one of these two permits. In



this situation, you are advised to contact the nearest DEQ Regional Office to give you an on-site determination.

Q: Why didn't owners or operators of facilities under SIC Codes 3271 (concrete block and brick) and 3272 (concrete products, except block and brick) located in Virginia, receive the public notice for proposed amendments to the Concrete Products Facilities General Permit?

A: When a general permit of the DEQ is being amended for reauthorization or modification, the notice of the amendment is published in a local Richmond newspaper and the Virginia Register. Additionally, it is the policy of this agency, although not required by regulation or statute, to notify facilities that already hold a general permit of an amendment to reauthorize the permit. Current permit holders of the Concrete Products Facilities General Permit were notified of the pending amendments to this general permit by copy of the public notice mailed in late July and early August 2005.

Proposed amendments to the Concrete Products Facilities General Permit will not cause facilities under SIC Codes 3271 (concrete block and brick) and 3272 (concrete products, except block and brick) to apply for this permit unless they do so voluntarily. Such might be the case for a small number of facilities (≤ 12) that want to switch from an individual industrial VPDES permit to the Concrete Products Facilities General Permit for discharge of their process wastewater.

It should be noted that future amendments to the Industrial Storm Water General Permit anticipated with the reissuance of this permit on July 1, 2009, will eliminate coverage for storm water discharges from facilities under SIC Codes 3271 and 3272. Prior to this date, affected facilities will receive public notice and will be advised to obtain either an individual industrial VPDES permit or the Concrete Products Facilities General Permit for their storm water discharge.

Q: Who can I contact if I have general questions about the Concrete Products Facilities General Permit or the Industrial Storm Water General Permit?

A: For general information about the **Concrete Products Facilities General Permit**, please contact Valerie Rourke: Telephone (804) 698-4158; e-mail varourke@deq.virginia.gov; mailing address – Department of Environmental Quality, 629 East Main Street, P.O. Box 10009, Richmond, Virginia, 23240.

For general questions and information about the **Industrial Storm Water General Permit**, please contact Burt Tuxford: Telephone (804) 698-4086; e-mail brtuxford@deq.virginia.gov; mailing address – Department of Environmental Quality, 629 East Main Street, P.O. Box 10009, Richmond, Virginia, 23240.

Information regarding these general permit regulations is also available on the DEQ website at <http://www.deq.virginia.gov/>.